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BEFORE THE TENNESSEE REGULATORY AUTHORITY

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NASHVILLE, TENNESSEE

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February 9, 2004

IN RE:)
)
SHOW CAUSE PROCEEDING)
AGAINST EZ TALK COMMUNICATIONS,)
LLC FOR VIOLATIONS OF TENN. CODE)
ANN. § 65-4-125 AND TENN. RULES &)
REGS. 1220-4-2-.56)

DOCKET NO.
03-00632

**AMENDED RESPONSE OF CONSUMER SERVICES AND EXTERNAL AFFAIRS
DIVISION IN OPPOSITION TO THE REQUEST OF EZ TALK COMMUNICATIONS,
L.L.C. TO DEFER THE CONSIDERATION OF EZ TALK'S APPEAL**

The Consumer Services and External Affairs Division ("CSD") of the Tennessee Regulatory Authority ("TRA" or "Authority") files this amended response to the request of EZ Talk Communications, L L C. ("EZ Talk") to defer the consideration of EZ Talk's appeal in the above-captioned proceeding

EZ Talk's appeal is set to be considered by the voting Panel on February 9, 2004. On February 6, 2004, EZ Talk filed a formal request to defer consideration until the next Authority Conference. EZ Talk states that they "are still in the process of securing local counsel to represent [their] interests" and that "[i]t would be unfair to continue with this hearing without allowing EZ Talk to obtain professional representation."¹

¹ Request to Defer the Hearing Set for February 9, 2004, p. 1 (February 6, 2004)

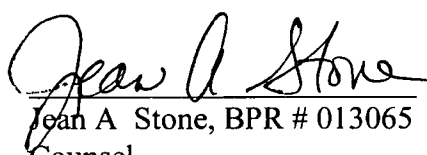
Response

The CSD is prepared to move forward to bring this matter to a conclusion and opposes EZ Talk's request for a continuance of this hearing. The Appeal in this docket was not filed in accordance with state statute, TRA rules or the Hearing Officer's *Initial Order*² It is the position of the CSD that, because of these failures, the *Initial Order* in this docket essentially became a Final Order on January 27, 2004.³ Any further delay would be pointless

EZ Talk has had ample opportunity to hire counsel. The *Show Cause Order* was filed on December 18, 2003, almost two months ago⁴ EZ Talk officials could appear *pro se*, as they have done in the lodging of their appeal and in this request for a deferral of the proceedings.

If the Authority chooses to grant EZ Talk a continuance in this matter, the CSD respectfully requests that EZ Talk be **required** to go forward with their appeal at the next Authority Conference scheduled for February 23, 2004, with or without counsel, and that no further continuances be allowed

Respectfully submitted,



Jean A. Stone, BPR # 013065
Counsel

Consumer Services and External Affairs Division
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243

² See Response of Consumer Services and External Affairs Division to Appeal of EZ Talk Communications, L L C of Initial Order Revoking Certificate of Authority and Imposing Monetary Sanctions (February 4, 2004)

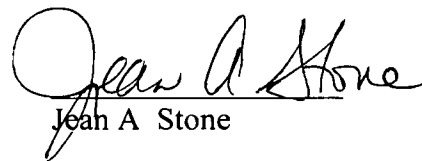
³ *Id*

⁴ See Order Requiring EZ Talk Communications, LLC to Appear and Show Cause Why an Order Revoking Its Reseller Certificate and/or Imposing a Fine Should Not Issue (December 18, 2003)

CERTIFICATE OF SERVICE

I hereby certify that on February 9, 2004, a copy of the foregoing document was served on the following parties of record, via facsimile and U.S. Mail.

Mr. Ashish Patel
Chief Regulatory Officer
EZ Talk Communications, LLC
1245 East Diehl Road, Suite 300
Naperville, IL 60563
Facsimile (630) 955-0059


Jean A. Stone